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STATE OF COLORADO

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Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

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Colorado Department
of Public Health
and Environment

June 6, 2000

Max Dodson
Assistant Regional Administrator
U. S. Environmental Protection Agency, Region 8
999 19th Street
Denver, CO 80202-2466

Dear Max:

Subject: Residential Arsenic Issue

Thank you for taking the time to meet with us and the City and County of Denver to discuss our mutual concerns about arsenic contamination at residential properties outside of the VBI70 Site. I am writing to summarize our discussion and request follow-up action by EPA.

First, we understand the Draft Pilot Scale Soil Characterization Study is expected by July 15, 2000. This study may shed some light on source identification for the VBI70 site and other arsenic properties that may ultimately influence the cleanup strategy. While respecting EPA's pesticide policy, we understand that if the arsenic is from application of a pesticide/ herbicide it might still be cleaned up since it was applied prior to FIFRA. Cleanup would also be justified if the contamination stemmed from misapplication of the product. In addition, we understand that EPA continues to support additional source identification work as proposed by CDPHE.

Second, we understand that EPA is considering addressing an arsenic standard for soil and drinking water on a national level.

Third, since the Risk Assessment for VBI70 has been delayed, the ROD is more likely due at the end of the year (rather than a September timeframe).

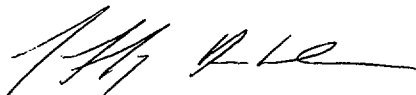
Fourth, EPA will resample and do removals at the properties identified in the National Association of Black Environmentalist (NABE) study. The NABE study identified 5 properties that have levels above the emergency removal level of 400ppm. You agreed to check on whether the VBI70 contractor would be used to conduct the resample along with the Phase 3b sampling currently underway.

Finally, the State believes that any property with levels of arsenic exceeding the emergency action level of 400ppm should be included for re-sampling and cleanup if warranted. As you know, the State cooperated with Dr. Drexler of the University of Colorado to identify properties for sampling that, like the NABE study, would help EPA and the State evaluate the nature and extent of arsenic contamination in areas near the VBI70 site. Dr. Drexler used the same protocol as that used in the NABE study, except that five samples per yard were taken rather than the one taken by NABE. There is only one property identified in the Drexler CU study that exceeded EPA's emergency removal level, and it exceeded that level by a wide margin. As such, it should be included with the five NABE properties.

As you know, this residence is one of a few where Hazardous Materials and Waste Management staff volunteered to have Dr. Drexler perform sampling. Even though the residence belongs to a state employee, I cannot find any supportable rationale by which to exclude this additional property. It is located in the same Environmental Justice community where the NABE work was done. It has the highest average arsenic readings of all of the yards sampled in either study. The same or greater health risk exists to the residents. The source of the original data should not be a criterion in determining whether to resample. We request that EPA reevaluate their position on this issue, and include the additional property.

Please let us know if this summary does not accurately represent our discussion. Further, please feel free to call upon us if we can be of any assistance in the resampling effort.

Sincerely,



Jeffrey Deckler
Remedial Programs Manager

Cc: Dale Vodehnal, EPA
Theresa Donahue, City of Denver
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